

10 GARY CASSANO,

11 Plaintiff,

12 v.

13 M. JOHNSON and W. ROGERS,

14 Defendants.

11 No. C 12-05144 WHA

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15 **ORDER GRANTING MOTION  
FOR SUMMARY JUDGMENT;  
VACATING HEARING; AND  
REQUESTING STATUS REPORT**16 This is a Section 1983 action alleging violations of plaintiff Gary Cassano's Eighth  
17 Amendment rights. Cassano is a California state prison inmate who alleges that defendant M.  
18 Johnson, a non-incarcerated kitchen employee, kicked a steel kitchen door that hit Cassano in the  
19 head. Cassano further alleges that defendant W. Rogers, a supervising cook at Cassano's  
20 correctional facility, failed to separate and protect him from Johnson.21 Now, Rogers seeks summary judgment on Cassano's remaining claim as to him — that  
22 Rogers was deliberately indifferent to Cassano's safety (Dkt. No. 57). In response, Cassano's  
23 counsel have filed a statement of non-opposition: "Based upon *Babcock vs. White*, 102 F.3d 267  
24 (7th Cir. 1996), [p]laintiff Gary Cassano does not oppose W. Roger's Motion for Summary  
25 Judgment" (Dkt. No. 66). Rogers' motion for summary judgment is therefore **GRANTED**. The  
26 hearing previously set for November 20, 2014, is hereby **VACATED**.

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1        This leaves Johnson as the remaining defendant here. As such, Johnson's counsel will  
2 submit a status report indicating whether his case can be resolved by summary judgment or by  
3 some other dispositive motion. This status report is due by **4 PM ON NOVEMBER 18, 2014.**

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5        **IT IS SO ORDERED.**

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7        Dated: November 4, 2014.

W. Alsup  
WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE

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